

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13283 of the President and Directors of Georgetown College, pursuant to Sub-section 8207.11 of the Zoning Regulations, for a special exception under Paragraph 4101.41 to continue the operation of a parking lot and for a variance from the prohibition against all-day commuter parking (Sub-paragraph 4101.413) in an SP-2 District at the premises 412-416 - 5th Street, N. W. and 413-435 - 6th Street, N. W., (Square 489, Lots 815, 832 and 833).

HEARING DATE: July 16, 1980

DECISION DATE: July 16, 1980 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located in an SP-2 District on the south side of E Street between 5th and 6th Streets.

2. The applicant proposes to continue using the subject property as a parking lot. Approval was given for establishment of the existing parking lot pursuant to the Board's Order No. 10961, effective date March 7, 1972. Since that time this Board has approved the continued use of the parking lot by Order No. 11882, dated April 23, 1975 and No. 12469, dated November 10, 1977.

3. The site contains **spaces** for 203 cars.

4. No vehicle entrance or exit is located within twenty-five feet of an intersection as measured from the intersection of the curb lines extended. The applicant proposes to use the existing curb cuts on Fifth and Sixth Streets, with hours of operation on Monday through Friday from 7 A.M. to 6 P.M.

5. All areas devoted to driveways, access lanes and parking areas are paved with materials which form an all weather impervious surface.

6. Concrete wheel stops have been provided so that no vehicle or part thereof projects over any lot line or building line.

7. The existing parking facility has upon it an attendant's shelter which provides lighting in an arrangement that meets the requirements of the Zoning Regulations.

8. All parts of the lot have been kept free of refuse and debris. The landscaping has been maintained in a healthy growing condition and in a neat and orderly appearance.

9. The subject property is bordered on the south by the Office of the Recorder of Deeds. To the east across Fifth Street and to the northeast are the local court buildings. To the north are several office facilities along "E" Street including the Salvation Army offices. On the northwest side is the Hecht Company Department Store and to the west are the Bicentennial and Patrick Henry office buildings. The parking use is, therefore, compatible with the general office use character of the area, and serves a parking need for the area, particularly for the courts.

10. Development of the subject property has been approved by the Zoning Commission as a Planned Unit Development. Representatives of the applicant testified that development is scheduled to begin as soon as some title questions are cleared up.

11. Representatives of the applicant stated that approximately one third of the spaces are used for all-day commuter parking, with the remainder providing short-term spaces for the courts, Municipal Center and other surrounding uses. The representatives further testified that long-term parking was being phased out.

12. The applicant requested approval of the lot through the end of this year, and a variance to permit the partial all-day parking to continue through that period.

13. The Board finds that there is no reasonable use for this premises while the PUD is finalized other than a parking lot. The Board finds that orderly phasing out of commuter parking is occurring, and there is no valid public purpose to be served by immediately halting all-day parking on this site.

14. The application was referred to the Department of Transportation. No report was received.

15. There was no report from Advisory Neighborhood Commission 2C.

16. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking a special exception and a use variance. As to the special exception the Board concludes that the applicant has substantially complied with the requirements of Paragraph 4101.41 of the Zoning Regulations and that the special exception, as hereinafter conditioned, can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to effect adversely the use of neighboring property. As to the use variance, the variance to permit all-day commuter parking, this requires a showing of a hardship upon the owner of the property that arises from the property itself. The Board notes that only one-third of the spaces are so used, that all-day parking is gradually being phased out in this lot and will be terminated completely as of the end of the year, and that no public purpose is served by requiring immediate cessation of commuter parking under the circumstances. The Board concludes that the granting of the variance is thus appropriate.

The Board further concludes that with the limitations conditioning the grant herein, the use variance can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the special exception and variance are GRANTED SUBJECT to the following CONDITIONS:

- a. Approval for this parking lot shall expire on December 31, 1980.
- b. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- c. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- d. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- e. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.

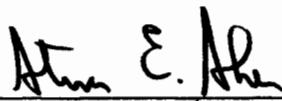
f. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.

g. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 5-0 (Walter B. Lewis, William F. McIntosh, Connie Fortune, Leonard L. McCants and Charles R. Norris to grant).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



Steven E. Sher
Executive Director

FINAL DATE OF ORDER: 22 SEP 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.